

ABTSWH Information Request  
Date of Request - December 21, 2022

The ABTSWH requests information on the following questions:

**1. Approximately how many and what percentage of claims are referred to the contract industrial hygienists (IH) for evaluation? Similarly, approximately how many and what percentage of claims are referred to the contract medical consultants for evaluation? Is this information available for each year for 2019, 2020, 2021, and 2022? If these are some types of claims where an IH evaluation is not relevant, e.g., consequential conditions or impairment claims, then these claims should not be included in the count or the denominator.**

- 2022 – 3352 total IH reviews including 201 internal DOL reviews; DEEOIC sent 3151 (94%) of the total reviews to the contract IH
- 2021 – 2556 total IH reviews including 218 internal DOL reviews; DEEOIC sent 2338 (92%) of the total reviews to the contract IH.
- 2020 – 2286 total IH reviews including 158 internal DOL reviews; DEEOIC sent 2128 (93%) of the total reviews to the contract IH.
- 2019 – 1912 total IH reviews including 147 internal DOL reviews; DEEOIC sent 1765 (92%) of the total reviews to the contract IH.

For the percentage of claims referred to the contractor medical consultant, it is necessary for the ABTSWH to clarify the specific data requested. Medical referrals to a CMC can occur for any number of reasons including causation; impairment; diagnosis clarification; or the medical necessity of therapeutic services, home and residential health care, prescription medications, durable medical equipment or home/auto modifications. Moreover, any comparison of the proportion of CMC referrals to another variable must be clarified. For example, does ABTSWH want to know the proportion of CMC causation referrals from the population of Part E claims filed for 2019 or 2022 that have established diagnosis for a claimed illness and that has established covered Part E contractor or subcontractor employment?

**2. How many accepted and denied claims have there been for malignant mesothelioma (pleural or peritoneal) for each year, 2018 through 2022?**

Per your request, the attached spreadsheet provides a count of the accepted and denied Parts B and E cases for 2018 – 2022. There are several caveats to the reported data that are included for contextual understanding. The Division of Energy Employees Occupational Illness (DEEOIC) would welcome a discussion regarding any follow-up or clarifications needed regarding this report.



RPT3627 - AdHoc -  
Advisory Board Info

**3. The Board requests the “new quarterly medical examiner reports, i.e., (CMC surveillance reports).”**

The Contracting Officer (CO) who oversees the CMC contract has been notified of this request and is working with the CMC contractor to ensure that the information can be provided in a format free from data that might endanger Personal Identifiable Information (PII) or proprietary information regarding the contractor. We are working diligently with the CO and are hopeful we can come to a positive resolution that will allow for release of the requested information in the future.

**4. The Board requests any written guidelines, instructions, rules, requirements, or tracking records that are used by EEOICP or Paragon when making changes in the Site Exposure Matrices.**

DEEOIC has obtained the attached documentation from Paragon Technical Services (PTS) that discusses their guidelines for updating SEM. The document Paragon Guidelines Master Copy provides a summary of the attached documentation.



ATTACHMENT 2  
SOP-SEM 02.pdf



ATTACHMENT 1  
SOP-SEM-01.pdf



ATTACHMENT 7  
Copy of Public\_SEM



ATTACHMENT 6 QC  
PLAN.pdf



ATTACHMENT 5  
SOP-SEM-11.pdf



ATTACHMENT 4  
SOP-SEM-07.pdf



ATTACHMENT 3  
SOP-SEM-03.pdf



Paragon Guidelines  
Master Copy.docx

**5. The Board requests clarification on the instructions in the EEOICP Procedure manual 7.0 regarding the excerpt (PM 7.0, p. 180) that appears on p. 2 of this request. We note that it appears that only tunnel work through 1992 counts in consideration of a Part B chronic silicosis claim. We learned at our tour of the NNSS on November 29, 2022 that tunnel creation work continued after 1992 and continues to the present day. We also did not see reference to the 1992 date in the EEOICP Act. Please clarify whether Part B chronic silicosis claims require that the 250 day work minimum occur before November 1992 and why the 1992 date appears in the P.M. 7.0 when it does not appear in the Act.**

Upon receiving the above request from the Board, DEEOIC reviewed the guidance in the PM Version 7.0. The guidance within the PM was based upon the unilateral moratorium on critical nuclear weapons testing that became effective October 1992. Based on the information the Board received during the tour, DEEOIC contacted Paragon Technical Services regarding the ongoing atomic weapons stewardship functions at the Nevada Test Site (NTS). Based on information communicated to us from Paragon and our own evaluation, including consultation with the Solicitor of Labor (SOL), it has been determined that mining of tunnels related to noncritical atomic weapons testing experiments has continued at NTS through the present. As such, DEEOIC will issue updated procedural guidance that amends the language to ensure staff understand that mining of tunnels for atomic weapon testing and experiments has continued through the present. DEEOIC will also determine the effect this change will have on previously denied silicosis claims and pursue reopenings of impacted claims.